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8 **UNITED STATES DISTRICT COURT**

9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10 M.H., a minor, through his Guardian Ad Litem,)
11 Michelle Henshaw, JOSEPH HARRISON, KRYSTLE) Case No. C11-2868 JST (MEJ)
12 HARRISON, MARTIN HARRISON, JR., and)
13 TIFFANY HARRISON, all Individually and as Co-)
14 Successors in Interest of Decedent MARTIN)
15 HARRISON,)
16 Plaintiffs,)
17 vs.)
18 COUNTY OF ALAMEDA, a municipal corporation;)
19 SHERIFF GREGORY J. AHERN, in his individual and)
20 official capacities; DEPUTIES MATTHEWAHLF,)
21 ALEJANDRO VALVERDE, JOSHUA SWETNAM,)
22 ROBERTO MARTINEZ, ZACHARY LITVINCHUK,)
23 RYAN MADIGAN, MICHAEL BARENO,)
24 FERNANDO ROJAS-CASTANEDA, SHAWN)
25 SOBRERO, SOLOMON UNUBUN; MEGAN HAST,)
26 A.S.W.; CORIZON HEALTH, INC., a Delaware)
27 corporation; HAROLD ORR, M.D.; ZELDA)
28 SANCHO, L.V.N.; and DOES 5-20, individually,)
jointly and severally,)
Defendants.)

STATE OF CALIFORNIA)
COUNTY OF ALAMEDA)

**DECLARATION OF JULIA
SHERWIN IN SUPPORT OF
PLAINTIFFS' RESPONSES IN
OPPOSITION TO DEFENDANTS'
MOTIONS FOR SUMMARY
JUDGMENT/ADJUDICATION**

Date: January 23, 2014
Time: 2:00 p.m.
Place: 450 Golden Gate Ave.,
Courtroom 9
Judge: Hon. Jon S. Tigar

I, JULIA SHERWIN, attest and declare as follows:

1 1. I am an attorney licensed to practice before all courts of the State of California and
2 State of Michigan, and I have been admitted to practice before this Court.

3 2. I am one of the attorneys for Plaintiffs Joseph Harrison, Krystle Harrison, Martin
4 Harrison Jr., and Tiffany Harrison in this matter.

5 3. I have personal knowledge of the facts stated in this declaration. If called upon to
6 testify to same, I am competent to do so.

7 4. Attached hereto as **Exhibit 1** is a true and correct copy of Martin C. Harrison's
8 Consolidated Arrest Report.

9 5. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts of the deposition
10 transcript of Plaintiff Martin C. Harrison Jr., Volume 1, taken on March 19, 2012, in this matter.

11 6. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts of the deposition
12 transcript of Plaintiff Martin C. Harrison Jr., Volume 2, taken on September 17, 2013, in this matter.

13 7. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts of the deposition
14 transcript of Plaintiff Joseph Harrison, Volume 2, taken on September 16, 2013, in this matter.

15 8. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts of the deposition
16 transcript of Plaintiff Krystle Harrison, Volume 1, taken on March 20, 2012, in this matter.

17 9. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts of the deposition
18 transcript of Plaintiff Tiffany Harrison, Volume 1, taken on March 23, 2012, in this matter.

19 10. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts of the deposition
20 transcript of Plaintiff Krystle Harrison, Volume 2, taken on September 17, 2013, in this matter.

21 11. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts of the deposition
22 transcript of Plaintiff Tiffany Harrison, Volume 2, taken on September 16, 2013, in this matter.

23 12. Attached hereto as **Exhibit 9** is a true and correct copy of the transcript of the
24 deposition of Defendant Zelda Sancho, LVN, taken on April 30, 2013, in this matter.

1 13. Attached hereto as **Exhibit 10** is a true and correct copy of Martin C. Harrison's Jail
2 Medical Intake Screening Form completed by Defendant Sancho.

3 14. Attached hereto as **Exhibit 11** is a true and correct copy of excerpts of the deposition
4 transcript of Corizon's former Health Services Administrator William "Bill" Wilson, taken on
5 December 6, 2013 in this matter.

6 15. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts of the deposition
7 transcript of Corizon's Assistant Health Services Administrator and Director of Health Information,
8 Lenore Gilbert, taken on October 8, 2013 in this matter.

9 16. Attached hereto as **Exhibit 13** is a true and correct copy of excerpts of the deposition
10 transcript of Lenore Gilbert in her capacity as Defendant Corizon's "Person Most Knowledgeable"
11 about Corizon's contract with Alameda County, taken pursuant to Federal Rule of Civil Procedure
12 30(b)(6) on December 12, 2013 in this matter.

13 17. Attached hereto as **Exhibit 14** is a true and correct copy of the August 17, 2010,
14 Memorandum re: Zelda Sancho Counseling Meeting from Lenore Gilbert to Bill Wilson.

15 18. Attached hereto as **Exhibit 15** is a true and correct copy of the deposition transcript
16 of Harold Orr, Jr., M.D., in his capacity as Corizon's "Person Most Knowledgeable" about its
17 policies and procedures with respect to alcohol withdrawal, pursuant to Federal Rule of Civil
18 Procedure 30(b)(6), taken on June 12, 2013 in this matter.

19 19. Attached hereto as **Exhibit 16** is a true and correct copy of the transcript of the
20 deposition of Defendant Harold Orr, Jr., M.D., as an individual, taken on June 12, 2013 in this
21 matter.

22 20. Attached hereto as **Exhibit 17** is a true and correct copy of a blank Clinical Institute
23 Withdrawal Assessment ("CIWA") Form and corresponding Physicians' Orders.

1 21. Attached hereto as **Exhibit 18** is a true and correct copy of Corizon's Nurse
2 Assessment Protocol Standardized Procedures on Alcohol and Drug Withdrawal.
3

4 22. Attached hereto as **Exhibit 19** is a true and correct copy of Martin C. Harrison's
5 Santa Rita Jail medical records produced to Plaintiffs by Alameda County Jail's Health Information
6 Services on October 15, 2010, at the instruction of PHS/Corizon's Director of Health Information,
7 Lenore Gilbert. Bates page 293 of Mr. Harrison's jail medical records state that the records are
8 being produced by "Health Information Services, Alameda County Jails, Santa Rita Jail." As set
9 forth in the Declaration of Gina Altomare filed with Plaintiffs' opposition papers, at no time before
10 discussing medical witness depositions on June 1, 2012, did either the County or Corizon ever
11 inform Plaintiffs or their counsel that the County had contracted its medical services out to a private
12 corporation, or that the medical personnel in Alameda County jails were employees of a separate
13 corporate entity.
14

15 23. Ms. Gilbert confirmed in her deposition that Corizon removed Megan Hast's August
16 16, 2010, chart note indicating that Mr. Harrison had been placed on CIWA (ACSO 130), before
17 Corizon produced the medical records to us in October 2010. Corizon also removed a "Master
18 Problem List" (ACSO 131) indicating that Mr. Harrison had "expired." We did not receive those
19 pages of the medical records until the County produced them in this litigation, on November 21,
20 2011.
21

22 24. My firm has handled cases involving jail medical care in other counties in California.
23 However, prior to this case, we had never handled a jail medical case involving Alameda County or
24 Santa Barbara County, the only two counties in which Defendant Dr. Orr testified Corizon had
25 contracts for the provision of jail medical care in California. At the time of his deposition, Dr. Orr
26 testified that Corizon had just recently also obtained a contract to provide jail medical services in
27 Tulare County. My firm handled a case involving jail medical care in Tulare County long before
28

1 Corizon obtained a contract there, while Tulare County still handled its own jail medical services
2 within the county. Neither I nor my partner ever had any information that Alameda County, or any
3 other county in California, had contracted its jail medical care out to PHS, Corizon, or any other
4 entity.
5

6 25. Attached hereto as **Exhibit 20** is a true and correct copy of additional portions of
7 Martin C. Harrison's Santa Rita Jail medical records produced to Plaintiffs in Defendant Alameda
8 County's Initial Disclosures on November 21, 2011.
9

10 26. Attached hereto as **Exhibit 21** is a true and correct copy of Corizon's Employee
11 Policy on Documentation.
12

13 27. Attached hereto as **Exhibit 22** is a true and correct copy of Corizon's Employee
14 Guidelines for Documentation.
15

16 28. Attached hereto as **Exhibit 23** is a true and correct copy of excerpts of Defendant
17 Corizon's September 26, 2011, Employer's Post-Hearing Brief submitted in the Arbitration
18 regarding the termination of Zelda Sancho.
19

20 29. Attached hereto as **Exhibit 24** is a true and correct copy of the Prison Health
21 Services, Inc.'s Continuing Education Program In-Service Training on Substance Abuse and
22 Withdrawal.
23

24 30. Attached hereto as **Exhibit 25** is a true and correct copy of excerpts of the transcript
25 of Lenore Gilbert's testimony at the July 21, 2011, Arbitration Hearing regarding the termination of
26 Zelda Sancho.
27

28 31. Attached hereto as **Exhibit 26** is a true and correct copy of excerpts of the transcript
29 of Zelda Sancho's testimony at the July 22, 2011, Arbitration Hearing regarding the termination of
30 Zelda Sancho.
31

1 32. Attached hereto as **Exhibit 27** is a true and correct copy of the Glenn Dyer Detention
2 Facility All Staff Meeting Minutes of January 21, 2010.

3 33. Attached hereto as **Exhibit 28** is a true and correct copy of excerpts of the November
4 7, 2011, Arbitrator's Decision in the matter between Prison Health Services Inc. (Corizon) and
5 United Healthcare Workers West (SEIU), CTW, CLC for Zelda Sancho, Grievant, by Arbitrator
6 Fred D. Butler.

7 34. Defendants did not produce any records concerning Zelda Sancho's termination and
8 arbitration until nearly 10 p.m. on Thursday, April 25, 2013, two business days before Ms. Sancho's
9 deposition on April 30, 2013. This late document production included over 1800 pages of
10 documents.

11 35. Attached hereto as **Exhibit 29** is a true and correct copy of the September 8, 2010,
12 letter from Lenore Gilbert to Zelda Sancho terminating Zelda Sancho's employment.

13 36. Attached hereto as **Exhibit 30** is a true and correct copy of the transcript of the
14 deposition of Defendant Deputy Matthew Ahlf, taken on June 6, 2012 in this matter.

15 37. Attached hereto as **Exhibit 31** is a true and correct copy of the transcript of the
16 deposition of Defendant Megan Hast, taken on July 2, 2012 in this matter.

17 38. Attached hereto as **Exhibit 32** is a true and correct copy of the August 31, 2010,
18 Memorandum re: Zelda Sancho - Weingarten Investigation - Summary Report from Lenore Gilbert
19 to Bill Wilson.

20 39. Attached hereto as **Exhibit 33** is a true and correct copy of the September 15, 2010,
21 letter to the Board of Vocational Nursing and Psychiatric Technicians from Linda Henson re:
22 Mandatory Reporting Form regarding Zelda Sancho, LVN.

1 40. Attached hereto as **Exhibit 34** is a true and correct copy of excerpts of the transcript
2 of William Wilson's testimony at the July 21, 2011, Arbitration Hearing regarding the termination
3 of Zelda Sancho.

4 41. Attached hereto as **Exhibit 35** is a true and correct copy of excerpts of the deposition
5 transcript of Terri Granlund, RN, in her capacity as Corizon's "person most knowledgeable"
6 pursuant to Federal Rule of Civil Procedure 30(b)(6) concerning training provided to Alameda
7 County's corrections officers, taken on May 24, 2013 in this matter.

8 42. Attached hereto as **Exhibit 36** is a true and correct copy of Plaintiffs' Government
9 Tort Claim filed with Alameda County on February 7, 2011.

10 43. Attached hereto as **Exhibit 37** is a true and correct copy of Defendant Megan Hast's
11 "Timeline of Events for CJMH during 8/16/10 I/M incident." Defendants did not produce this
12 document until the Friday before Megan Hast's Monday, July 2, 2012, deposition.

13 44. Attached hereto as **Exhibit 38** is a true and correct copy of excerpts of the deposition
14 transcript of Maria Magat, M.D., taken on July 27, 2012 in this matter.

15 45. Attached hereto as **Exhibit 39** is a true and correct copy of excerpts of the County of
16 Alameda Medical Services Agreement with Corizon, along with its most recent amendment 6
17 extending the contract to June 30, 2016.

18 46. Attached hereto as **Exhibit 40** is a true and correct copy of notes of Lenore Gilbert,
19 Corizon's PMK on its contract with Alameda County, listing "Monies Received by Corizon" for
20 Fiscal Year 2008/2009 to the present. Pursuant to the contract and amendments, Corizon is entitled
21 to make over \$250,000,000 for providing medical services to Alameda County jail inmates from
22 2008 until 2016. To date, Corizon has been paid \$150,667,842 on the contract.

1 47. Attached hereto as **Exhibit 41** is a true and correct copy of excerpts of the National
2 Commission on Correctional Health Care Accreditation Report dated June 20, 2008, concerning
3 Health Care Services at Santa Rita Jail and Glenn Dyer Detention Facility.
4

5 48. Attached hereto as **Exhibit 42** is a true and correct copy of America Service Group
6 Inc.'s March 3, 2011 Press Release re: Merger Agreement with Valitas Health Services.
7

8 49. Attached hereto as **Exhibit 43** is a true and correct copy of excerpts of the 2008
9 National Commission on Correctional Health Care's Standards for Health Services in Jails.
10

11 50. Attached hereto as **Exhibit 44** is a true and correct copy of the Alameda County
12 Sheriff's Office's training records for Defendant Deputies Matthew Ahlf, Michael Barenco, Zachary
13 Litvinchuk, Ryan Madigan, Roberto Martinez, Fernando Rojas-Castaneda, Shawn Sobrero, Joshua
14 Swetnam, Solomon Unubun and Alejandro Valverde.
15

16 51. Attached hereto as **Exhibit 45** is a true and correct copy of Prison Health Services,
17 Inc.'s Policy/Procedure No. J-G-08 on Inmates with Alcohol and other Drug Problems.
18

19 52. Attached hereto as **Exhibit 46** is a true and correct copy of Alameda County Sheriff's
20 Office Detention and Corrections Policy and Procedure No. 13.01 on Medical and Mental Health
21 Care.
22

23 53. Attached hereto as **Exhibit 47** is a true and correct copy of Corizon General Health
24 Services Policy & Procedure No. J-C-04.00 on Health Training for Correctional Officers.
25

26 54. Attached hereto as **Exhibit 48** is a true and correct copy of excerpts of the deposition
27 transcript of Sergeant Cynthia Sass, in her capacity as Alameda County's "Person Most
28 Knowledgeable" concerning training of deputies on alcohol withdrawal, pursuant to Federal Rule of
Civil Procedure 30(b)(6), taken on April 29, 2013 in this matter.
29

30 55. Attached hereto as **Exhibit 49** is a true and correct copy of Corizon, a.k.a. "Prison
31 Health Services, Inc.," Policy No. 153 on Intoxication and Withdrawal.
32

1 56. Attached hereto as **Exhibit 50** is a true and correct copy of Corizon, a.k.a. "Prison
2 Health Services, Inc.," Santa Rita Jail/Glenn Dyer Detention Facility Policy/Procedure No. J-E-03
3 on Transfer Screening: Intrasystem Transfers.
4

5 57. Attached hereto as **Exhibit 51** is a true and correct copy of excerpts from Corizon's
6 Nurse New Employee Orientation Training Manual.
7

8 58. Attached hereto as **Exhibit 52** is a true and correct copy of excerpts from Corizon,
9 a.k.a. "Prison Health Services, Inc.," Orientation Manual for New Employees, Santa Rita Jail, Glenn
10 E. Dyer Detention Facility.
11

12 59. Attached hereto as **Exhibit 53** is a true and correct copy of the Alameda County
13 Sheriff's Office August 16, 2010, Intensive Observation Log for Martin Harrison.
14

15 60. Attached hereto as **Exhibit 54** is a true and correct copy of Alameda County Sheriff's
16 Office General Order No. 5.29 on Responding to Persons With a Mental Disorder.
17

18 61. Attached hereto as **Exhibit 55** is a true and correct copy of Alameda County Sheriff's
19 Office Detention and Corrections Policy and Procedure No. 9.04 on Mentally Disordered Inmates.
20

21 62. Attached hereto as **Exhibit 56** is a true and correct copy of Alameda County Sheriff's
22 Office Detention and Corrections Policy and Procedure No. 13.12 on Mental Health Referral Form.
23

24 63. Attached hereto as **Exhibit 57** is a true and correct copy of excerpts from the
25 deposition transcript of Deputy Earl Back, taken on April 26, 2013 in this matter.
26

27 64. Attached hereto as **Exhibit 58** is a true and correct copy of Alameda County
28 Behavioral Health Care Services Criminal Justice Mental Health Program posting to all ACSD and
PHS Staff on Safety Cell and Psychiatric Emergencies.
29

30 65. Attached hereto as **Exhibit 59** is a true and correct copy of the Criminal Justice
31 Mental Health Program Mental Health Referral form.
32

1 66. Attached hereto as **Exhibit 60** is a true and correct copy of excerpts of the deposition
2 transcript of Sergeant Christopher Shepard, taken on October 3, 2013 in this matter.
3

4 67. Attached hereto as **Exhibit 61** is a true and correct copy of Alameda County Sheriff's
5 Office General Order No. 8.12 on Inmate Observation and Direct Visual Supervision.
6

7 68. Attached hereto as **Exhibit 62** is a true and correct copy of excerpts of the deposition
8 transcript of Sergeant Scott Dudek, taken on May 21, 2013 in this matter.
9

10 69. Attached hereto as **Exhibit 63** is a true and correct copy of excerpts of the deposition
11 transcript of James Rael, M.D., taken on December 10, 2013 in this matter.
12

13 70. Attached hereto as **Exhibit 64** is a true and correct copy of Initial Screening Forms
14 for Defendant Hast's clients other than Martin Harrison on August 16, 2010.
15

16 71. Attached hereto as **Exhibit 65** is a true and correct copy of excerpts from the
17 California Peace Officer Standards and Training (POST) Learning Domain 37.
18

19 72. Attached hereto as **Exhibit 66** is a true and correct copy of excerpts of the deposition
20 transcript of Sergeant Joseph Bricker, taken on April 25, 2013 in this matter.
21

22 73. Attached hereto as **Exhibit 67** is a true and correct copy of excerpts of the deposition
23 transcript of Defendant Deputy Alejandro Valverde, taken on June 7, 2012 in this matter.
24

25 74. Attached hereto as **Exhibit 68** is a true and correct copy of excerpts of the deposition
26 transcript of Defendant Deputy Joshua Swetnam, taken on June 8, 2012 in this matter.
27

28 75. Attached hereto as **Exhibit 69** is a true and correct copy of the deposition transcript
29 of Plaintiffs' Police Practices Expert Jack Ryan, taken on December 11, 2013 in this matter.
30

31 76. Attached hereto as **Exhibit 70** is a true and correct copy of excerpts of the deposition
32 transcript of Defendant Deputy Roberto Martinez, taken on June 8, 2012 in this matter.
33

34 77. Attached hereto as **Exhibit 71** is a true and correct copy of excerpts of the deposition
35 transcript of Defendant Deputy Zachary Litvinchuk, taken on April 24, 2013 in this matter.
36

1 78. Attached hereto as **Exhibit 72** is a true and correct copy of excerpts of the deposition
2 transcript of Defendant Deputy Ryan Madigan, taken on April 24, 2013 in this matter.
3

4 79. Attached hereto as **Exhibit 73** is a true and correct copy of excerpts of the deposition
5 transcript of Deputy Kevin Lewis, taken on April 26, 2013 in this matter.
6

7 80. Attached hereto as **Exhibit 74** is a true and correct copy of excerpts of deposition
8 transcript of Defendant Deputy Fernando Rojas, taken on October 3, 2013 in this matter.
9

10 81. Attached hereto as **Exhibit 75** is a true and correct copy of excerpts of the deposition
11 transcript of Defendant Deputy Solomon Unubun, taken on April 25, 2013 in this matter.
12

13 82. Attached hereto as **Exhibit 76** is a true and correct copy of excerpts of the deposition
14 transcript of Defendant Deputy Shawn Sobrero, taken on April 25, 2013 in this matter.
15

16 83. Attached hereto as **Exhibit 77** is a true and correct copy of excerpts of the deposition
17 transcript of Defendant Michael Barenco, taken on April 24, 2013 in this matter.
18

19 84. Attached hereto as **Exhibit 78** is a true and correct copy of Thomas Wayne Rogers,
20 M.D.'s Autopsy Protocol Memorandum of August 19, 2010.
21

22 85. Attached hereto as **Exhibit 79** is a true and correct copy of excerpts of the deposition
23 transcript of Detective Sergeant Kyle Ritter, taken on April 25, 2013 in this matter.
24

25 86. Attached hereto as **Exhibit 80** is a true and correct copy of the California
26 Peace Officer Standards and Training (POST) Learning Domain 20.
27

28 87. Attached hereto as **Exhibit 81** is a true and correct copy of Alameda County Sheriff's
29 Office General Order No. 1.20 on Taser X-26.
30

31 88. Attached hereto as **Exhibit 82** is a true and correct copy of the Taser X3, X26, and
32 M26 ECD Warnings, Instructions, and Information: Law Enforcement document.
33

34 89. Attached hereto as **Exhibit 83** is a true and correct copy of the Prison Health
35 Services 2011 Custody Staff Education on Substance Intoxication, Dependence, and Withdrawal.
36

90. Attached hereto as **Exhibit 84** is a true and correct copy of Defendant County of Alameda's Response to Plaintiffs' Request for Production of Documents.

91. Attached hereto as **Exhibit 85** is a true and correct copy of excerpts of California Peace Officer Standards and Training (POST) Learning Domain 12.

92. Attached hereto as **Exhibit 86** is a true and correct copy of the Federal Rule of Civil Procedure 26 report of Defendant Zelda Sancho's expert witness Eugene Schoenfeld, M.D. in this matter.

93. Attached hereto as **Exhibit 87** is a true and correct copy of a color photograph taken by Defendant Deputy Matthew Ahlf depicting Decedent Martin Harrison wearing a spit mask.

94. Attached hereto as **Exhibit 88** is a true and correct color copies of autopsy photos of Decedent Martin Harrison.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing information is true and correct. Signed this 20th day of December 2013.

/s/ Julia Sherwin

JULIA SHERWIN